

*FORM PTO-1390
OFFICE
(REV 11-2000)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK

ATTORNEY'S DOCKET NUMBER
412692000403

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. § 371**

U.S. APPLICATION NO. 09/30619 (37 CFR 1.5)
FILED COPY
FREE PROCESSING

INTERNATIONAL APPLICATION NO
PCT/US99/30619

INTERNATIONAL FILING DATE
December 23, 1999

PRIORITY DATE CLAIMED
December 24, 1998

TITLE OF INVENTION
DEVICES AND METHODS FOR MARKING OF A BIOPSY CAVITY (AS AMENDED)

APPLICANT(S) FOR DO/EO/US
D. Laksen SIRIMANNE et al.

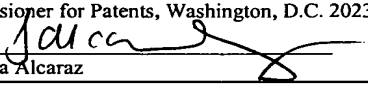
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

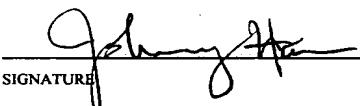
1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
 4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
 5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☐ An English language translation of the International Application under PCT Article 19 (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
 8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). Executed Declaration, signed in counterpart - 18 pages
 10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
- Items 11. to 16. below concern document(s) or information included:**
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 12. ☐ An assignment document for recording. A separate cover-sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☐ A **FIRST** preliminary amendment.
 14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
 15. ☐ A substitute specification.
 16. ☐ A change of power of attorney and/or address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
 18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
 20. ☒ Other items or information: Copy of Notification of Missing Requirements - 2 pages; Declaration of Steven KIM -2 pages; Petition under 37 C.F.R. §1.47(a) - 2 pages; return receipt postcard.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EV093214006US Date of Deposit: February 27, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Tamara Alcaraz

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/869,282		INTERNATIONAL APPLICATION NO. 09/869,282		ATTORNEY'S DOCKET NUMBER: 412692000403	
				DUPLICATE COPY	
21. <input type="checkbox"/> The following fees are submitted:				FOR FEE PROCESSING	
BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):				CLAIMS PTO USE ONLY	
Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....				\$1,040.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO.....				\$890.00	
International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....				\$740.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provision of PCT Article 33(1)-(4)				\$710.00	
International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)				\$100.00	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 0	
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130	
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total claims		81 - 81 =	0	x \$18.00	\$0
Independent claims		11 - 11 =	0	x \$84.00	\$0
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$280.00	\$0
TOTAL OF ABOVE CALCULATIONS =				\$130	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$65	
SUBTOTAL =				\$65	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
TOTAL NATIONAL FEE =				\$65	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	
Extension Fees - Fifth month				\$980	
TOTAL FEES ENCLOSED =				\$0	
03/07/2002 HNGUYEN 00000039 031952 09869282				Amount to be refunded:	
01 FC:254 65.00 CH				\$0	
				charged:	
				\$1,045	
a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my <u>Deposit Account No. 03-1952</u> in the amount of \$1,045 to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to <u>Deposit Account No. 03-1952</u> referencing Docket No. 412692000403. A duplicate copy of this sheet is enclosed.					
d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Sanjay S. Bagade Morrison & Foerster LLP 755 Page Mill Road Palo Alto, California 94304-1018					
 SIGNATURE					
Johney Han, <u>Registration No.45,565</u>					
for Sanjay S. Bagade <u>Registration No. 42,280</u>					